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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

 Monthly Meeting with Senators Boren and Cohen (*Tues, 19 Apr 88, 1630 hrs.*)

FROM: John L. Helgerson
Director of Congressional Affairs

EXTENSION
NO.

OCA MON 0280-88

DATE

18 APR 1988

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS
COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Executive Registry

2.

3. Executive Director

4.

 5. Deputy Director of
Central Intelligence

6.

 7. Director of
Central Intelligence

8.

 9. Return to Director of
Congressional Affairs

10.

11.

12.

13.

14.

15.

Meeting with DCI, 19 April 1988

- 25X1 1. Marriage to foreign national - [] - discussion.
2. Counternarcotics Program - discussion.
3. Inspectors travelling - 12 to 23 countries.
- 25X1 4. []
- 25X1 5. Significant investigations underway:
- 25X1 a. []
- 25X1 b. []
- c. []
- d. []
6. Follow-up.

25X1 []

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INTELLIGENCE OVERSIGHT LEGISLATION

I am pleased that the Intelligence Oversight Act, as passed by the Senate, takes into account our concerns regarding the need to protect sensitive intelligence sources and methods. I know that you and the Committee staff worked to ensure that this bill would not inadvertently impede the effective conduct of intelligence activities.

I also know that you have seen Bob Gates' letter on the definition of special activities contained in the bill. That letter reflects our understanding that the definition of special activities does not change the status quo with respect to when a Presidential finding is required.

While we are pleased with your intent to maintain the status quo, we are having discussions with the staff of the House Intelligence Committee on this issue with the intent of developing a single definition that would cover all departments or agencies of the U.S. Government.

I hope that you will keep an open mind toward adopting a single definition that takes a new and positive approach toward defining special activities.

I believe this new approach will further clarify what activities require a Presidential finding. I understand your staff has a copy of this proposal, and hope they will study it carefully.

(Attached is a copy of the letter from the DDCI to Boren and Cohen on the definition of special activities.)

Central Intelligence Agency



Washington, D.C. 20505

OCA FILE SSCt / Leg / CA
PresFind

OCA 88-0747

11 March 1988

The Honorable David L. Boren, Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

We are aware that S. 1721, the Intelligence Oversight Act of 1988, is scheduled to be considered by the Senate next week. I am writing to clarify an issue that has arisen with respect to that legislation.

The issue concerns what types of CIA activities will require Presidential Findings. It is my understanding that the definition of "special activities" contained in S. 1721 is intended to maintain the status quo with respect to when a Presidential Finding is required. That understanding is derived from our discussions and from the report accompanying S. 1721, which states the Committee's intention "to maintain current law with respect to both CIA and the Executive branch as a whole, as mutually interpreted and agreed upon by the Executive branch and the intelligence committees." As you are aware, we are also working with HPSCI on language for its version of the oversight bill that may clarify that intent even further. We hope the result will be a single definition that would apply to all U.S. Government departments and agencies.

Any definition of "special activities" contained in the legislation will, of course, be subject to interpretation. Under existing law, the Hughes-Ryan Amendment, there has been little disagreement in the majority of circumstances about those activities for which a Presidential Finding is or is not required. We expect that to continue if S. 1721 becomes law.

In a few rare circumstances, however, the Agency considers activities for which that determination is not as clear. We believe the record will show that the Committee has generally

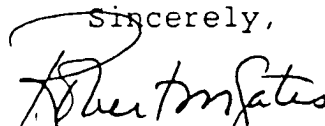
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been aware of any significant such activities undertaken by the Agency, even if a Finding was not obtained, as a result of the Agency's keeping the Committee fully and currently informed of its intelligence activities. If S. 1721 or similar legislation becomes law, we intend to continue reporting these activities as we have in the past.

We do not interpret the intent of the legislation as changing this approach. If this is not consistent with your view of the intention of this legislation, Director Webster and I would appreciate the opportunity to discuss this matter directly with you and the Vice-Chairman. A similar letter is being sent to the Vice-Chairman.

Sincerely,



Robert M. Gates

Acting Director of Central Intelligence

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S E C R E T

Statutory IG

Statutory Inspector General Legislation

I was grateful for the opportunity to appear before the Committee last March to express my concerns regarding Senator Specter's bill to establish a statutory Inspector General at CIA. I now understand that Senator Specter is submitting an amendment (attached) to this year's Intelligence Authorization bill, that while affirming the Inspector General as a DCI appointee, would also establish separate Inspector General reporting requirements to the Congress.

- I continue to oppose any such separate IG reporting requirements for the reasons I outlined at the hearing; namely the Director of Central Intelligence must be the responsible and accountable official for all matters related to congressional reporting.
- Imposing an independent and discrete statutory duty on the Inspector General would derogate from my existing statutory responsibility to protect intelligence sources and methods, and will inevitably lead to a perception by our colleagues and contacts abroad that the DCI cannot ultimately protect and control sensitive information entrusted to the CIA.
- Furthermore, I am concerned that attaching the Specter proposal to the authorization bill may result in the bill being referred to the Governmental Affairs Committee, which could well add more stringent requirements to the IG provisions. Accordingly, I continue to ask your support in opposing the amended version of the Specter proposal.

STATUTORY INSPECTOR GENERAL
Amended Bill

Bill codifies to some degree what is already the practice:

- o -- Non-partisan appointment and removal by Director of Central Intelligence;
- o -- Direct reporting to the Director;
- o -- Independent initiation and conduct of inspection, investigations and audits; and
- o -- Direct access to all records and to the Director.

Bill adds the following new points:

- o -- Sets qualifications for IG based on demonstrated ability in accounting, financial analysis, law, management analysis or public administration;
- o -- Gives the IG subpoena power;
- o -- If the Director prohibits the IG from initiating, carrying out or completing an audit, inspection or investigation or from issuing a subpoena, he must notify the oversight committees within seven days;
- o -- If the Director removes the IG from office, he must immediately notify the oversight committees and explain why;
- o -- If the IG and the Director differ with respect to the IG's duties and powers, the IG must report the matter to the oversight committees within seven days; and
- o -- The IG must prepare semiannual reports summarizing his office's activities and give them to the Director, who will then transmit them to the oversight committees.

The amended bill is attached.

3/18/88

A Bill To establish an Inspector General for the CIA.

The Central Intelligence Agency Act of 1949 is amended by adding after Sec 16 the following:

" INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY"

"Sec 17. (a) Purpose; Establishment. In order to create an objective and effective unit, appropriately accountable to the Congress, to initiate and conduct independently, inspections, investigations and audits relating to programs and operations of the Central Intelligence Agency, there is hereby established in the CIA an office of Inspector General.

"(b) Appointment and Removal. There shall be at the head of the Office an Inspector General who shall be appointed by the Director of Central Intelligence. This appointment shall be made without regard to political affiliation and shall be made solely on the basis of integrity, the security standards of the CIA and on prior experience in the field of foreign intelligence. Such appointment shall also be made on the basis of demonstrated ability in accounting, financial analysis, law, management analysis or public administration. The Inspector General shall report directly to and be under the general supervision of the Director of Central Intelligence.

"(c) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection or

investigation, or from issuing any subpoena, concerning only ongoing operations, and only if he determines that such prohibition is necessary to protect vital national security interests of the United States.

"(d) If the Director exercises any power under subsection (c) of this section, he shall submit an appropriately classified statement of the reasons for the exercise of the power within seven (7) days to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence.

"(e) The Inspector General may be removed from office only by the Director of Central Intelligence. The Director shall immediately communicate in writing to the Senate Select Committee on Intelligence and the House Permanent Select Committee the reasons for any such removal.

"(f) Duties and Powers. (1) It shall be the duty and responsibility of the Inspector General appointed under this Act--

"(A) to provide policy direction for and to conduct, supervise, and coordinate independently, the inspections, investigations and audits relating to the programs and operations of the CIA to assure they are conducted efficiently and in accordance with applicable law and regulations; and

"(B) to keep the Director fully and currently informed concerning violations of laws and regulations, fraud and other serious problems, abuses and deficiencies and to report the progress made in implementing corrective action.

"(2) In the event the Inspector General is unable to resolve any differences with the Director on the execution of his duties and powers, he shall report such matter to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence within seven (7) days.

"(g) The Inspector General shall have the power to issue subpoenas, as may be necessary, to carry out his work. In addition, he shall have direct access to all records and direct and prompt access to the Director when necessary for any purpose pertaining to the performance of his duties.

"(h) Reports. The Inspector General shall not later than April 30 and October 30 of each year, prepare a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month periods ending March 31 and September 30. Such reports also should include information contained in subsection (f)(1)(B).

"(i) Classified semiannual reports of the Inspector General shall be furnished to the Director not later than April 30 and October 30 of each year and shall be transmitted by him to the Senate Select Committee on Intelligence and to the House Permanent Select Committee on Intelligence Representatives within 30 days after receipt, together with any comments he deems appropriate."

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